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Committee on Banking and Commerce, (Banking)  
"Committee on, (Banking)"

2nd Session, 24th Parliament, 1959

# THE SENATE OF CANADA



PROCEEDINGS

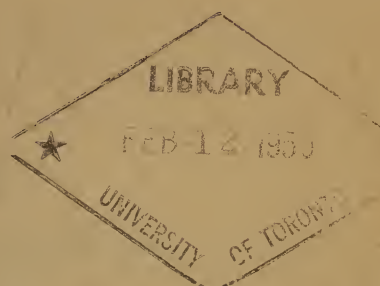
OF THE

STANDING COMMITTEE

ON

## BANKING AND COMMERCE

To whom was referred the Bill (S-2), intituled: "An Act to amend the Public Lands Grants Act".



The Honourable SALTER A. HAYDEN, Chairman

No. 1

WEDNESDAY, FEBRUARY 4th, 1959.

WITNESS

Mr. C. R. O. Munro, Chief of Legal Services, Department of Public Works.

THE QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1959

## BANKING AND COMMERCE

The Honourable Salter Adrian Hayden, Chairman

### The Honourable Senators

*Aseltine	Golding	Pouliot
Baird	Gouin	Power
Beaubien	Haig	Pratt
Bois	Hardy	Quinn
Bouffard	Hayden	Reid
Brunt	Horner	Robertson
Burchill	Howard	Roebuck
Campbell	Hugessen	Taylor ( <i>Norfolk</i> )
Connolly ( <i>Ottawa West</i> )	Isnor	Thorvaldson
Crerar	Kinley	Turgeon
Croll	Lambert	Vaillancourt
Davies	Leonard	Vien
Dessureault	*Macdonald	Wall
Emerson	McDonald	White
Euler	McKeen	Wilson
Farquhar	McLean	Woodrow—50.
Farris	Monette	
Gershaw	Paterson	

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*ex officio member.*

(Quorum 9)

## ORDER OF REFERENCE

Extract from the Minutes of Proceedings of the Senate for Wednesday, 28th January, 1958.

"Pursuant to the Order of the Day, the Honourable Senator Aseltine moved, seconded by the Honourable Senator Monette, that the Bill S-2, intituled: An Act to amend the Public Lands Grants Act, be read the second time.

After debate, and—

The question being put on the motion, it was—

Resolved in the affirmative.

The Bill was then read the second time.

The Honourable Senator Aseltine moved, seconded by the Honourable Senator Brunt, that the Bill be referred to the Standing Committee on Banking and Commerce.

The question being put on the motion, it was—

Resolved in the affirmative."

J. F. MacNEILL,  
*Clerk of the Senate.*



## MINUTES OF PROCEEDINGS

WEDNESDAY, February 4, 1959.

Pursuant to adjournment and notice the Standing Committee on Banking and Commerce met this day at 10.30 a.m.

*Present:* The Honourable Senators: Hayden, *Chairman*; Aseltine, Baird, Beaubien, Connolly (*Ottawa West*), Croll, Davies, Euler, Farris, Gouin, Hugessen, Kinley, Macdonald, McDonald, McKeen, McLean, Monette, Pouliot, Power, Reid, Robertson, Taylor (*Norfolk*), Turgeon, Wall, White, Wilson and Woodrow—27.

*In attendance:* Mr. Russel Hopkins, Law Clerk and Parliamentary Counsel, and the Official Reporters of the Senate.

Bill S-2, An Act to amend the Public Lands Grants Act, was read and considered.

Mr. C. R. O. Munro, Chief of Legal Services, Department of Public Works, was heard in explanation of the Bill.

On Motion of the Honourable Senator Macdonald, seconded by the Honourable Senator McDonald, it was RESOLVED to report recommending that authority be granted for the printing of 600 copies in English and 200 copies in French of the Committee's proceedings on the said Bill.

The further consideration of the Bill was postponed.

At 12.15 p.m. the Committee adjourned to the call of the Chairman.

Attest.

James D. MacDonald,  
*Clerk of the Committee.*





# THE SENATE

## STANDING COMMITTEE ON BANKING AND COMMERCE

### EVIDENCE

OTTAWA, Wednesday, February 4, 1959.

The Standing Committee on Banking and Commerce, to whom was referred Bill S-2, an act to amend the Public Lands Grants Act, met this day at 11 a.m. Senator Hayden in the Chair.

The CHAIRMAN: Will the meeting come to order? We have before us Bill S-2.

Senator FARRIS: Mr. Chairman, I suggest that the main part of the section, of which this proposed amendment is a part, be read into the record.

The CHAIRMAN: Bill S-2 provides for the amendment of section 4 of the Public Lands Grants Act by adding thereto the following subsection 2. That subsection is set out in the bill before us. The first subsection in the act, which is 4(a), reads:

The Governor in Council may (a) authorize the sale, lease or other disposition of any public lands that are not required for public purposes and for the sale, lease or other disposition of which there is no other provision in law.

There you have a starting point.

Senator FARRIS: Now, what is your explanation of the extent of that?

The CHAIRMAN: The only explanation which I have is that the purpose, it is said, for this amendment is to give statutory effect to a practice that has gone on for very many years of making these transfers by Order in Council; and since that was questioned by Mr. Justice Rand in the Supreme Court of Canada decision in 1945—only an *obiter*, because he was the only one who delivered that point, and the judgment of the court did not turn on it—he suggested that there was a question as to whether or not the executive could transfer land in that way in the absence of specific authority to do it in that fashion.

In those circumstances it appears to me that the amendment is intended now to go far enough—whether the language is complete enough or not, I am not saying—but it is intended to give statutory authority to make transfer by order in council.

Senator FARRIS: It not only deals with form, but with the substance of the right.

The CHAIRMAN: It may. That is why I am not saying whether or not it goes far enough.

Senator WALL: May I ask a simple question? Does paragraph (a) by its use of the words “or other disposition”, and by repeating it at the end “or other disposition of which there is no other provision in law” not cover that particular point?

The CHAIRMAN: No. What I would point out is this—and I am just expressing a point of view—there are words of limitation in the authority that exists in the act as it now reads; and those words of limitation are that the

public lands that are to be sold are not required for public purpose, and that for the sale, lease, or other disposition of which there is no other provision in law. First it says, this does not apply if there is some other statute that gives specific authority. Secondly, we have the words of limitation in the authorizing section. I am wondering whether the failure to put that in this subsection does not make the section broader than the one I originally read.

Senator CONNOLLY (*Ottawa West*): Mr. Chairman, may I ask a question, and perhaps make a speech in doing so? I wonder whether the right section is being amended? Section 2(a) of the act reads:

In this Act, (a) "grant" means letters patent under the Great Seal of Canada, and any other instrument by which public lands may be granted in fee simple or for an equivalent estate.

Apparently those words "any other instrument" in the view of Mr. Justice Rand do not include an order in council, which is the way it was proposed that this type of action be carried out. I wonder whether, instead of amending section 4 by putting in a subsection that might create some equivocation, we should consider amending the section 2(a) of the act to read perhaps this way: "And any other instrument, including an order in council, by which lands may be granted in fee simple or for an equivalent estate."

Senator ASELTINE: They are not always granted in fee simple.

Senator CONNOLLY (*Ottawa West*): Or for an equivalent estate.

The CHAIRMAN: That covers it.

Senator CONNOLLY (*Ottawa West*): I don't think that would matter.

Now, I can say a good deal more about that, but I draw that point to the attention of the committee, as perhaps a simpler and more effective way of dealing with it, and then we would not destroy or interfere with the general powers that are contained in section 4. You see, section 4, reading it quickly, says that the Governor in Council may (a) authorize the sale, lease etcetera; (b) make regulations; (c) prescribe tariff of fees; (d) fix the rate. These are all things that are quite different from the manner in which the transfer is to be carried out.

Senator MONETTE: You mean a distinction between the authorization by the Governor in Council and the authorization by the act?

Senator CONNOLLY (*Ottawa West*): The method of doing it.

Senator MONETTE: If it is authorized by the Governor in Council, it is an order in council.

Senator CONNOLLY (*Ottawa West*): As I understand it the order in council actually carries out the transfer, in the contemplation of this amendment.

The CHAIRMAN: May I point out that the manner in which the executive expresses itself is by order in council. So, you start out with that. If it wants to express a decision, it is by order in council.

Senator CONNOLLY (*Ottawa West*): That is the authority for them.

The CHAIRMAN: So, your suggestion is that this amendment is not necessary, because it may be adding some substantive law. I am inclined to agree with that.

Senator CONNOLLY (*Ottawa West*): There is that aspect.

The CHAIRMAN: I am inclined to agree that it does add some substantive law, but if you can amend the definition of "grant" to cover transfer as well by order in council, which is the manner in which the executive functions, then that may meet the difficulties that are presented in this case.

Senator CONNOLLY (*Ottawa West*): I think we should hear from Mr. Munro. I have one further question to ask with respect to what Senator Monette raised.



The normal way in which a transfer is effected is by a deed. The order in council is intended to take the place of a deed. In other words, suppose the transfer is being made to a province, can the provincial authority take the order in council and register it, and thereby say that it is title for the land transferred?

The CHAIRMAN: If land is properly described in an instrument, so that it can be identified on the register, you may register it.

Senator CONNOLLY (*Ottawa West*): Quite right. I am talking now about the actual conveyance of title. Will this amendment have the same effect as the deed, in that title is actually transferred?

The CHAIRMAN: Any interest in land may be recorded, if you can identify it.

Senator ASELTINE: If the transfer is in the right of a province it has to be done by deed, by letters patent under the Great Seal.

Senator CONNOLLY (*Ottawa West*): Well, senator, I don't know that the explanatory note is so restricted, because it says it was suggested by some of the judges that the executive could not transfer lands in this way, but it does not say to a province. It simply says "transfer lands".

The CHAIRMAN: I should point out that a number of sections in the statute itself use the word "grant" in dealing with references to transfers and conveyances. So, I would not like to rush into an amendment. We might distort the whole statute. Besides, we should hear from Mr. Munro and see what he has to say.

Senator MACDONALD: Before we hear from Mr. Munro, may I say a word? The Chairman has pointed out that we might distort the whole statute. What concerns me is the present effect of the whole statute. It seems to me we are giving the Governor in Council—that is Cabinet—wider powers than the very wide power it has at the present time. As Senator Farris pointed out, we can transfer land after the passage of this bill by order in council from Canada to Australia; Senator Hugessen mentioned the same thing during the debate in the house the other day. And as Senator Power mentioned a moment ago we will be able, after the passing of this bill, to transfer by order in council such an airport as Gander to the United Kingdom.

Senator POULIOT: Goose Bay and Gander.

Senator MACDONALD: I am not saying whether or not that might arise or when it does arise that it should not be done, but it occurs to me it should be done by Parliament rather than by order in council.

Now, last week the Leader of the Government introduced into the house a bill effecting, if I recall the terms of the bill correctly, Indian lands to the province of New Brunswick, and that has to be done by Parliament, by statute. And yet by this bill we give the Dominion Government the power without coming to Parliament of passing an order in council and conveying these public lands; and in this amendment we do not see the words, "not required for public purposes" of conveying any public lands to any right other than Canada. I think when we are considering this bill we should keep that in mind and decide whether or not we are not giving the Government too much power.

Senator ASELTINE: Would it not be an imposition, Senator Macdonald, to have every case of this kind come before Parliament. For instance, we had a few cases in recent years where a part of a national park was taken out of the park for Hydro purposes and that kind of thing. It seems to me that it would be absolutely impossible to do anything else, if we had to come to Parliament every time a deal was made with regard to even a small parcel of land, transferring it to a province or in some other way.

Senator MACDONALD: That land was transferred by act of Parliament, as Senator Power suggested a moment ago.

THE CHAIRMAN (*Senator Hayden*): Shall we hear from Mr. Munro?

Senator CONNOLLY (*Ottawa West*): Might I say this, Mr. Chairman, that Senator Macdonald might keep in mind that this Public Lands Grants Act is not new—it was passed in 1950—and I would think that there would be many cases where the federal authority might have to make a transfer of lands not only to provinces but to other persons, as it is authorized to do by section 4. So, I see nothing wrong about having a statute of this kind on the statute books because I think it would be required in certain cases.

I do agree to this extent that when it comes to a question of transferring a sovereign right from one state to another state even within the Commonwealth—like the situation that Senator Reid describes—that type of thing, I think, which is more than a transfer of title, is a transfer of sovereignty over a territory without affecting title, might be done by Parliament.

Senator MACDONALD: Is there any limit now requiring the type of change from one sovereign right to another?

Senator CONNOLLY (*Ottawa West*): I do not think this quite covers the transfer as between sovereign jurisdictions except within Canada, and I do not know that that term applies as between the provinces and the dominion.

Senator MACDONALD: It does not go any further than that?

Senator CONNOLLY (*Ottawa West*): May I just finish one point Mr. Chairman.

Heretofore this kind of thing could be done by deed. Now it is proposed to do it by order in council. If it is done by deed by the crown, Parliament never knows about it, nor anyone else, unless the Registry Office is visited. At least it is going to be done by order in council which is reported to Parliament, and Parliament knows about it because it is a matter of record in Parliament.

The CHAIRMAN (*Senator Hayden*): I would suggest that we hear from Mr. C. R. O. Munro, the Chief of Legal Services in the Department of Public Works.

#### **C. R. O. Munro, Chief of Legal Services, Department of Public Works:**

I do not know whether I can begin to answer all the problems that have been raised. The basic principle behind the bill is and I think we have to start with that proposition that the crown is one and indivisible, and when we say that a province owns certain lands, the federal Government owns certain lands, and the United Kingdom Government owns certain lands, as well as Australia, what we are saying is that the provincial ministers, the federal ministers, the United Kingdom ministers and the Australian ministers of Government have the right to advise Her Majesty as to the disposition of those lands. The title is vested in the crown.

Now, when we propose to transfer lands from the federal Government to a province or for that matter to the United Kingdom Government, there is no transfer of title at all. Title remains vested in the crown. What we are doing is transferring to the ministers of the other Government the right to advise Her Majesty as to the disposition of those lands. That is why we cannot use a deed. A deed is a grant, it transfers title, and Her Majesty does not transfer title to herself if she has title.

The courts have for many years held that the proper method of transferring the right of administration from one Government to another is by order in council and this, in fact, is how we have done it for many years. In 1945 a case came up which dealt with the situation where the federal Government took legal proceedings against a chap by the name of Higbie in connection with the land he occupied in Cole Harbour, Vancouver. The defence which was raised



by Higbie was that the federal Government did not give these lands to the provincial Government, but the federal Government relied upon an order in council of 1924, passed by the provincial Government, transferring the administration of the land from the province to the federal Government. And every single judge of the Supreme Court hearing the case agreed that the order in council transferring the land from the provincial Government to the federal Government was the proper method. There was no dispute about the method. The only question was whether the provincial Government had the authority to pass this order in council without legislative approval.

Mr. Justice Rinfret looked at the Provincial Statutes and he found a section in the British Columbia Lands Act—I think it is called the Public Lands Act or the Crown Lands Act—which is very similar to section 4 of our act, the Public Lands Grants Act as it now stands. It authorized the Governor in Council to authorize the sale or lease of public lands. Mr. Justice Rinfret said he thought that the transfer of administration from the provincial Government to the federal Government was authorized by this section. Mr. Justice Rand said no, it did not authorize it because it referred to grants only, and when lands are transferred from the federal Government to the provincial Government there is no grant. Mr. Justice Kerwin and Mr. Justice Hudson said they did not have to decide on that point because there were other points on which they based their decision. Mr. Justice Rinfret said firstly, no legislative approval is required at all, that it is a matter of the prerogative of the crown, that the crown has the right without legislative approval to transfer the administration and control from one set of ministers to another set of ministers. But, he said, even if they did need legislative approval they have it under the Public Lands Grants Act. The other two judges said that legislative approval was needed, and there was only one judge who definitely said we need legislative approval. Mr. Justice Kerwin and Mr. Justice Hudson indicated that possibly the province needed legislative approval.

After that case the province of British Columbia, in order to make it quite clear in the transferring of administration and control of provincial lands to another Government of Her Majesty, amended their statute in a similar way to what we propose here, to authorize the Lieutenant Governor to transfer the administration and control of provincial lands to other Governments of Her Majesty. We are proposing merely to do the same thing here.

One senator raised the question as to why we had not done it before now. I do not think I can answer that question. One point I would make is that only one out of the four judges said it was necessary, and ever since the Higbie case we have been transferring lands to provincial Governments by order in council. Some question might be raised as to the sort of lands which are transferred. I only know what the Department of Public Works does, I do not know what other departments do; but the sort of thing we might do is that if we have an old penitentiary building that is falling to pieces and is of no use to us but it may be of some use to a province, we might pass an order in council transferring it to the province for "X" dollars. Then again, we may have a wharf that we no longer require, and the province wishes to retain control of the foreshore, so we transfer the wharf and the foreshore to the province.

SENATOR POWER: That is when they are no longer of any use for public purposes?

Mr. MUNRO: That is right. Mr. Chairman pointed out that section 4 as it now stands limits it to lands that are not required for public purposes. It seems to me there are two things a court might say about this: it could say that the court is going to decide whether it is for public purposes, or that it is up to the Governor in Council to decide if it is for public purposes; that it is a matter of

policy. I do not know which one the court would say, but I would not be surprised if the court held that this was a matter of policy.

Senator POWER: These lands might not be of any use to the federal Government for public purposes but might be of value to the provincial authorities.

Mr. MUNRO: That is right.

Senator POWER: And still under the act you believe that you could transfer?

Mr. MUNRO: To a province?

Senator POWER: Without this amendment at all?

Mr. MUNRO: This has been argued. This is what Mr. Justice Rinfret said but it is only because there is doubt about it, and it is to clear away any doubt that we want to amend the statute.

Senator WALL: Mr. Chairman, is this new subsection that is being added going to appear later as subsection (e) of section 4?

The CHAIRMAN (*Senator Hayden*): The numbering will have to be a little different. Section 4 will have to have subsection 1 and 2.

Senator WALL: Then this subsection 2 will be of equal importance?

The CHAIRMAN (*Senator Hayden*): That is right.

Senator WALL: Therefore the Governor in Council may use subsection 1 or the equivalent right in subsection 2; that is, there is no provision that these lands being not required for public purposes, is not a primary consideration.

The CHAIRMAN (*Senator Hayden*): No. In subsection 2 it does not say subject to the revisions of subsection 1 (a)—that is what you are thinking of?

Senator WALL: That is right.

The CHAIRMAN: It does not say that. Of course you accomplish the same thing if you put the same words of limitation in subsection 2 as you have presently in 4 (a).

Senator DAVIES: Is there now an appeal on anything that goes through by order in council?

The CHAIRMAN: As such, yes. To the public, ultimately, on election day. I don't know whether, if any member of the public felt that assets were being dissipated without authority, he might bring some kind of an action.

Senator DAVIES: If the Government assumes arbitrary powers such as this,—and they are arbitrary—there is no appeal to any court except through public elections.

The CHAIRMAN: The power is there now. This is only dealing with one way of exercising it.

Senator MACDONALD: But if the words "as required for public purposes" are deemed to be necessary in the section which the Chairman has read, does it not make the whole clause rather confusing by removing those words out of the amendment which is proposed?

Mr. MUNRO: Yes. If these words have any effect at all in the statute as it now stands, they will not affect the new section, and if Parliament feels that these words have some effect and should be in the new section, then we would have to revise the amendment.

Senator MACDONALD: But, whether Parliament feels that way or not, is it not confusing to leave the words in the section which the Chairman read and not have them included in this section?

Mr. MUNRO: Well, it may be confusing; it could be confusing, yes.

Senator MACDONALD: But would not the natural interpretation be that the words mean something, and therefore they appear in one section and, for some reason or other, they are left out of another section. Therefore, my friend says, it does not apply to the other section.



The CHAIRMAN: Oh, logic, I think, calls for this, that the same words of limitation should be in both sections or should not be in either section.

Senator POWER: And adding the words with respect to the right of the Crown.

Mr. MUNRO: The public purposes of Canada.

Senator POWER: If it were to be amended I think the amendment should be, "For the public purposes of Canada".

Senator HUGESSEN: Could you not start the new section something like this: "In cases where public lands are no longer required for public purposes of Her Majesty in the right of Canada"?

Senator MONETTE: Mr. Chairman, having heard the gentlemen, I think I can express my views up to now this way. By section 4 the Governor in Council may—and they do not say, in what form—authorize the sale, lease or other disposition of any public land. I wonder if that means only a lease or something like that, or if it could not apply to a donation, a gift. I know we are not amending the statute for that, but I am making that remark, that the Governor in Council may authorize the sale, lease or other disposition of any public lands. Now, this is limited in that context, "Any public lands not required for public purposes", for the sale, lease or other disposition of which there is no other provision in the law. That is the point. Now, having heard the explanation: the new bill does not purport to transfer the property. It says that the Governor in Council may, by order, transfer to Her Majesty in any right other than Canada, the disposition and control. So under the terms of the amendment it is only the administration and control that would be transferred, and therefore the objection to allowing Her Majesty to transfer by order in council the property itself does not stand. It is simply, as was explained, a transfer of the administration and control of the land. No more is required for our own public purposes. But having transferred the control, it could not be transferred, I suppose, *in aeterno*, but for the time being we remain the owner. On that basis I see no great objection to that being done by order in council.

Senator MACDONALD: If I may interrupt: the words are that the transfer can be "either forever".

Senator MONETTE: I will not suggest that we transfer the administration of our property "forever".

The CHAIRMAN: That is what it says.

Senator MONETTE: I see no great objection to having control for the time being transferred to Her Majesty even in the interest of the United Kingdom. It is to be transferred to Her Majesty in the right of any dominion or any part of the United Kingdom: I see no objection to that, because it is a transfer of the administration. That transfer could not be said to be forever.

Senator MACDONALD: But as the act now stands the word "forever" is right in the bill.

Senator MONETTE: "Either forever". I object very much to that. Though they say, transfer of administration.

Senator POULIOT: Mr. Chairman, I have an objection to that administration, but it is on a different ground. My objection is that there is too much administration. From what has been said by Mr. Munro, one judge expresses the opinion that the Government could act by order in council, another judge said no, and two other judges said they did not have to decide the point. The Supreme Court is composed of nine judges. I do not see why the Government does not make a reference to the Supreme Court instead of to a single judge. I find that this legislation is evasive. There are many brilliant minds among my colleagues, but no one can have a definite view about the matter. I do not



complain of Mr. Munro, who is a good jurist, but the Department of Justice itself comes along with all sorts of bills and legislation that cannot be understood by bench or bar; and this is a sample. I know; we have too much of that stuff in legislation. We should get back to the Ten Commandments of God.

Senator EULER: Mr. Chairman, as one who is not a lawyer may I rush in where angels fear to tread? If this is confusing to the lawyers around this table—and it is quite interesting to listen to their various viewpoints—it certainly is confusing to those of us who are not lawyers. I wanted to ask this question. The phrase is used, "...lands that are not required for public purposes." Who is going to be the judge of that? Does that phrase mean anything at all?

The CHAIRMAN: The cabinet has to be the judge.

Senator CONNOLLY (*Ottawa West*): In view of the explanation given by Mr. Munro, my idea about amending the definition section—because that involves a transfer of title which is not required here—is not a valid suggestion. However, I do think the amendment suggested by Senator Hugessen is a very practical one and I think the committee might well consider it.

The CHAIRMAN: I was going to make this suggestion. You hesitate to make an amendment of this kind hurriedly without considering the possible effect on other sections of the bill. Would it be practicable that a small subcommittee be set up to study the bill and possibly come up with some suggestion and report back to the main committee?

Senator CROLL: That is an excellent idea.

The CHAIRMAN: Would you suggest a subcommittee to be nominated by the Chairman?

Hon. SENATORS: Yes.

Senator DAVIES: I should like to ask one question of the Leader of the Government? Has this amendment been put forth with any specific transfer in mind or is it just a general amendment to the statute?

Mr. MUNRO: I am not aware of any specific transfer of land being in mind at all. As far as I am aware the sole purpose is to remove the doubts created by the decision of the Supreme Court in the Higbie case.

Senator McLEAN: Why should we have waited fourteen years for this thing?

The CHAIRMAN: Well, they did not catch up with their reading. Would somebody move that 600 copies in English and 200 copies in French be printed of the proceedings?

Senator GOUIN: I so move.

Carried.

Senator MACDONALD: Senator Hugessen has suggested an amendment which is to be considered by this subcommittee, but Senator Monette has another amendment that I think should also be considered by the committee.

The CHAIRMAN: I can tell you now that if they are willing, both Senator Hugessen and Senator Monette will be on the subcommittee.

Senator GOUIN: I do not expect to be on the committee but may I point out that we had an explanation in the Senate chamber that the purpose of the bill was for the transfer of land from the dominion to a province. I suggest that where it reads "in any right other than Canada" in line 2 of subsection 2 of section 1 of the bill, it should logically read: "in the right of any province of Canada." It would meet the purpose.

The CHAIRMAN: We will look into that. Now, when shall this committee reconvene? I would think possibly that the subcommittee, with Senator

Monette, Senator Hugessen and myself, might be able to present something by tomorrow morning, if the main committee wanted to reconvene then.

Senator ASELTIME: We have another committee meeting at 10 o'clock tomorrow.

Senator MACDONALD: I don't think we can rush this through too hurriedly. There is also a caucus.

The CHAIRMAN: It will be time enough next week and we will send out the appropriate notices.

Senator WALL: Apropos of Senator Gouin's intervention, could I ask Mr. Munro whether there might be situations where, say, South Africa or Australia or some place may have land that they may wish to transfer to us for some consideration, for an embassy or something. Is that the kind of thing this legislation has in mind?

Mr. MUNRO: Not a transfer from South Africa to Canada; the other way around.

Senator WALL: I am thinking of a Commonwealth Government where, for example, we may need a piece of land that South Africa has had and it would be convenient for us to use it for some purpose, whatever it may be. Would this bill give the right to the ministers of the Crown of Her Majesty in Australia?

The CHAIRMAN: No, only in Canada.

Senator DAVIES: Shouldn't the Leader of the Government and the Leader of the Opposition be on your committee?

The CHAIRMAN: Yes, they are *ex officio*.

Senator KINLEY: I think these words "land not required for public purposes" are mostly drapery. Time would have a lot to do with whether it is needed for public purposes. It may not be needed today but it may be needed in 50 years' time. The question is who can decide whether it is needed for public purposes.

The CHAIRMAN: Those are matters that we will take up.

The committee thereupon adjourned.

